

REMARKS-General

Claims 1 through 5, 12, 20, 22, 27 and 28 stand rejected under 35 USC 102(b) as unpatentable over Harter (U.S. Patent No. 2206,697);

Claims 13 through 19, 21, 23 through 26, and 29 are rejected under 35 U.S.C. 103(b) as obvious over Harter;

Claims 6, 7, 30, 31 and 32 stand rejected under 35 U.S.C. 103(a) as Obvious over Harter in view of Holahan (U.S. Patent No. 4,364,104);

Claims 8 through 11 are rejected under 35 U.S.C. 103(a) as obvious over Harter in view of Rockhold et al, (U.S. Patent No. 4,772,028);

Applicant responds as follows;

I. Claims 1 through 5, 12, 20, 22, 27 and 28 stand rejected under 35 USC 102(b) as unpatentable over Harter (U.S. Patent No. 2206,697);

By the foregoing amendments, newly presented independent claims 33 and 48 include the feature of the simulated weapon blade element may move in compound directions in response to a force on the simulated weapon blade element. The claims as recited, define compound movement to include inward movement, upward movement and downward movement or a combination thereof. No new matter has been added. Also applicant has rewritten all claims to define the invention more particularly and distinctly.

A touch is indicated by the blade element

The present invention discloses a simulated weapon blade element moveably disposed in a housing, the blade element having movement in multiple directions. A touch is indicated by contact and movement of the blade within the housing in communication with a contact switch. The Harter reference discloses an electric foil having a contact switch mounted at the tip of the foil blade, remote from the electrical components, which are mounted within a separate housing. The contact switch at the tip of the blade completes a circuit when the tip is depressed inward in only one direction. A touch is indicated by the contact switch attached to the tip of the blade and not the blade itself. Furthermore, the blade is affixed to the housing and is not movable within the housing.

This is different from the present invention. Thus, the Harter reference should be removed as a USC 102(b) rejection anticipating the present invention.

II. Claims 13 through 19, 21 23 through 26 and 29 are rejected under 35 USC 103(a) as obvious over Harter

By the foregoing amendments, newly presented independent claims 33 and 48 include the feature of the simulated weapon blade element may move in compound directions in response to a force on the simulated weapon blade element. The claims as recited, define compound movement to include inward movement, upward movement and downward movement or a combination thereof. No new matter has been added.

Harter does not anticipate the underlying independent claims

The Harter reference discloses an electric foil having a tip at the end of a blade that registers a touch on a fencing opponent. In contrast to the present invention, the tip has movement in only one direction through spring 70, not having upward movement or downward movement. This is different from the present invention. Thus, Harter does not anticipate the underlying independent claims.

Furthermore, the mere design consideration, as stated by the examiner, of claim 13 is not obvious because the underlying claim is not anticipated. It follows that the remaining claims rejected as obvious over Harter should be withdrawn as a rejection.

III. Claims 6, 7, 30, 31 and 32 stand rejected under 35 USC 103(a) as Obvious over Harter in view of Holahan (U.S. Patent No. 4,364,104);

With respect to the Harter reference, applicant reiterates the arguments in Section I. and II. above, and incorporates them by reference. In addition, the secondary reference to Holahan does not obviate the deficiencies of Harter.

Holahan discloses a foldable to light having an extendable element, which must be rotated, from a position within a housing to an operable position extending away from the housing. Furthermore, illumination is provided by a light within the base to illuminate the element made of light conveying material. There is only one direction of movement, not having inward movement. The present invention, when in an operable position, lights to indicate a force on the blade element in multiple directions, and the light is mounted in a light cut out in the blade element. Thus, Holahan does not obviate the underlying deficiencies of Harter.

Furthermore, Holahan is non-analogous art. Harter relates to fencing devices while Holahan relates to a foldable toy light. Applicant submits that one would not turn to the art of toy lights for information on detecting fencing contacts.

IV. Claims 8 through 11 are rejected under 35 USC 103(a) as obvious over Harter in view of Rockhold et al. (U.S. Patent No. 4,772,028).

With respect to the Harter reference, applicant reiterates the arguments in Section I. and II. above, and incorporates them herein by reference. In addition to the secondary reference to Rockhold et al. does not obviate the deficiencies to Harter.

Rockhold et al. discloses an electronic shootout game utilizing electronic guns capable of projecting a light beam toward a target member. No where is there mentioned a blade or physical

contact made to move a blade. However, there is a light beam, which travels in one direction and must hit a vest worn by another player does not have compound movement. Thus, for these reasons, not having a blade and not having compound movement, the underlying deficiencies of Harter are not obviated by Rockhold et al.

Furthermore, Rockhold et al. is non-analogous art. Harter relates to fencing devices while Rockhold et al. relates to electronic guns. Applicant submits that one would not turn to the art of electronic guns for information on detecting fencing contacts.

V. Conclusion

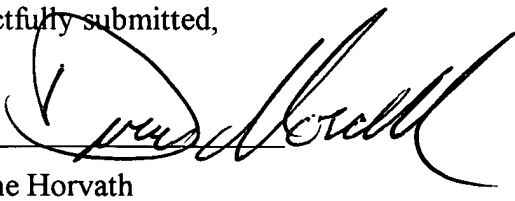
In view of the foregoing Amendments and Remarks, applicant submits that the claims are in proper form and define patentably over the prior art. A notice of allowance is earnestly solicited.

Conditional Request for Constructive Assistance

Applicant has amended the claims of this application so that they define novel structure which is also unobvious. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the examiner pursuant to M.P.E.P. § 2173.02 and § 707.07 (j) in order that the undersigned can place this application in allowable condition as soon as possible without the need for further proceedings.

Thank You.

Respectfully submitted,



Dwayne Horvath

Dated: May 14 2008

A handwritten signature in black ink, appearing to read 'Dwayne Horvath', with a long horizontal flourish extending to the right.

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